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8 April 1966

## KASHMIR - - KEY TO STABILITY

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KASHMIR--KEY TO STABILITY

by

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8 April 1966

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## SUMMARY

Kashmir is strategically located at the apex of the Indo-Pakistan subcontinent, contiguous to India, Pakistan, Afghanistan, and Communist China. Ancient Hindu-Muslim hatred, fear and frustrations were endemic to the India-Pakistan dispute over Kashmir. The British Independence Act of 1947 provided the impetus for both nations to become locked in a struggle for control of this area where 77 percent of the population is Muslim under Hindu rule. By the British act of partition India was divided into two separate sovereign nations, India and Pakistan. British rule ended on 15 August 1947. Each of the 562 princely states of India, of which Kashmir was the fourth largest, was allowed to accede to either India or Pakistan or remain independent. Kashmir, under the rule of Maharaja Sir Hari Singh, did not accede by the effective date of 15 August 1947. Standstill Agreements were signed with India and Pakistan as a move to independence. On 22 October 1947, 5000 Pakistani Northwest Frontier tribesmen attacked in the Vale of Kashmir to overthrow the Hindu government of Sir Hari Singh. When the capital of Kashmir, Srinagar, was threatened, the Maharaja requested assistance of the Indian Army. India would not provide troops unless Kashmir acceded to India. Kashmir acceded to India and Indian Army troops were flown into Srinagar. Upon accepting the instrument of accession, Lord Louis Mountbatten, Governor General of the Dominion of India, stated that with restoration of peaceful conditions, the question of accession would be settled by reference to the people.

All efforts at direct settlement of the Kashmir dispute were to no avail. On 1 January 1948, India filed a complaint in the United Nations charging aggression and that Pakistan had been instrumental in fomenting the crisis in Kashmir. Pakistan denied the charges and countercharged that India was in control of part of Kashmir through illegal means and had not fulfilled its pledge of a plebiscite. Debate on the issue by the Security Council continued until 21 April 1948 when the United Nations Commission for India and Pakistan (UNCIP) was appointed to mediate the dispute. UNCIP obtained agreement from both nations to a resolution providing for a ceasefire, withdrawal of all troops except an Indian security force, and provisions for a plebiscite. A ceasefire was proclaimed on 1 January 1949 with a substantiating resolution dated 5 January 1949. There followed a United Nations demarkation of the ceasefire line and observers were appointed to police the agreement. Despite efforts of UNCIP, five United Nations mediation missions, and direct negotiations that transcend 18 years, no real progress was made in settling the Kashmir dispute. Pakistan has based its case on Kashmir's major economic, political and strategic significance to Pakistan, while to India Kashmir has become a symbol of national prestige and international justice. Aggravating the hardened positions taken by

both India and Pakistan were the furnishing of military aid to both nations by the United States, the Soviet Union support of India in the United Nations and the Communist Chinese invasion of the Indian border region in 1962.

To foment revolt in the Vale of Kashmir and bring the Kashmir dispute to world attention, Pakistan infiltrated 5,000 Azad Kashmir and Pakistan Regular forces into Kashmir on 5 August 1965. India reacted by seizing a series of Pakistani Army posts. Major forces of both nations were then thrown into an undeclared war that lasted for only three weeks of intensive fighting. The war was indecisive as both India and Pakistan were ill prepared economically and militarily to wage a large scale war. Attendant to the India-Pakistan clash were parallel political maneuverings and negotiations that increased with intensity. Initially the United Nations was unsuccessful to stop the fighting. On 20 September 1965, the Security Council voted for a demand that India and Pakistan accept a UN ceasefire within 48 hours. Both nations accepted the UN demand and a ceasefire became effective on 23 September. The United States refused to become identified with either side in the armed dispute. However, vigorous support was given to the United Nations as the instrument best designed to bring about a ceasefire. Action was taken by the United States on 8 September 1965 to suspend military aid to both nations. The Soviet Union, after years of supporting India in the Kashmir dispute, took a neutral position and voted with the United States in demanding a ceasefire. Communist China, as in 1962, threatened India with accusations of border violations, issuing a three-day ultimatum to India. This China later had to backdown from. The Soviet Union invited India and Pakistan to use its good offices to settle the dispute. Both accepted and met in Tashkent in early 1966. Pakistan demanded discussion of the Kashmir dispute and a plebiscite. India was adamant on its position that Kashmir was not negotiable as it was a legal integral part of India. India did, however, seek a no-war agreement with Pakistan. On 11 January 1966, Premier Kosygin of the Soviet Union was primarily responsible for getting India and Pakistan to sign a joint declaration. Most important was an agreement to withdraw military forces back to positions occupied on 5 August 1965. Withdrawal is to be completed by 25 February 1966. The Kashmir dispute and its international ramifications, however, were no nearer a solution.

This paper adopts the thesis that there will be no stability on the Subcontinent of Asia until the Kashmir dispute is settled, and that United States' Indian and Pakistani programs of diplomacy, military and economic aid and United Nations actions should be orchestrated to achieve a settlement.

## CHAPTER 1

### INTRODUCTION

#### PRELUDE

The two great nations of the vast Subcontinent of Asia, India and Pakistan, lie under an ever darkening cloud of Communism. For eighteen years they have dissipated their wealth, their strength and their energy on a near fratricidal struggle over the hitherto almost unknown Princely State of Jammu - Kashmir.<sup>1</sup> Political, economic and military considerations, however, all point to interdependence of these two great nations.

Since British partition of India in 1947, the struggle for control of Kashmir has become a cancer in the body politic of Asia and a definite threat to world peace. In recent years, and more specifically with the outbreak of war in the late summer of 1965, Kashmir has been termed the key to the Asian balance of power as well as the key to stability in South Asia.

Major powers of the world have shown an increasing interest in the Kashmir dispute, attested to by their sharp reactions of political and diplomatic maneuverings during and subsequent to the recent armed clash between Indian and Pakistani regular forces. Soviet influence in India has become more pronounced and inroads into Pakistan are evident. Communist China has become closer

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<sup>1</sup>Jammu-Kashmir is the official name of the State. Throughout this paper it will be referred to as Kashmir.

aligned with Pakistan and a greater threat to the border regions of India. Conversely, United States prestige in both India and Pakistan has been damaged.

This paper adopts the thesis that there will be no stability on the Subcontinent of Asia until the Kashmir dispute is settled, and that there need be an orchestration of United States' diplomatic, military and economic aid, and United Nations programs to achieve this end.

#### PURPOSE

Because the settlement of the Kashmir dispute is the key to stability in the Indo-Pakistan subcontinent and in that the security of both India and Pakistan is important to the national interests of the United States, the purpose of this study is:

- a. To review the background of the Kashmir dispute.
- b. To review and analyze United Nations and other attempts to negotiate the Kashmir dispute.
- c. To record the military aspects of the recent 1965 War between India and Pakistan.
- d. To record United Nations and diplomatic actions that occurred during and after the 1965 War between India and Pakistan.
- e. To relate the interests of the major world powers in the Kashmir dispute.
- f. To record conclusions and recommended actions to be taken by the United States as regards the Kashmir dispute.

## CHAPTER 2

### THE KASHMIR DISPUTE

#### GENERAL

In order to grasp the fundamentals of the Kashmir dispute, it is necessary to highlight the general situation which prevailed in the Indo-Pakistan subcontinent prior to and during the time of British partition and shortly after India and Pakistan became independent.

The Indo-Pakistan subcontinent of approximately five hundred million inhabitants has never been a single nation per se. Basic and irreconcilable differences in religion, culture, and social systems have and continue to exist between the Muslims and Hindus.

Division of the Muslims and Hindus into two separate nations had been suggested as early as 1924 by leaders of both factions.

Pakistan's development as a nation emanated in 1930 within the Muslim League, with the name Pakistan,<sup>1</sup> first used in 1933 by a Muslim Student's Society in London.<sup>2</sup>

In 1940, the Muslim League first began demands for separation of Muslim majority areas and regrouping under the name of Pakistan. Muslim leaders have been continuously adamant in their contention

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<sup>1</sup>The name Pakistan means: Land of the Pure; P stands for the Province of Punjab; A for Afghan Province of the Northwest Frontier; K for Kashmir; S for Sindh; and Tan for Baluchistan Province. In writing Pakistan in Urdu, the national language, the l is not used as a separate letter.

<sup>2</sup>Dr. M. M. R. Khan, The United Nations and Kashmir, p. 2.

that Kashmir is an integral part of the basic concept of Pakistan. Conversely, leaders of India's Hindu government have always been bitterly opposed to a separate Muslim nation.

It was not until 3 June 1947 that the British Government accepted the principle of the partition of India into two separate states. Effective date for the transfer of power was 15 August 1947. Both governments were tremendously strained because of the short period to align their civil service, allocate the Indian Army to both countries and condition the people of both nations.

Historically, communal disorders between Muslims and Hindus were common and frequent in occurrence. With partition announced and eminent, extremists on both sides spread this infectious communal disease until it became a virulent epidemic. Estimates are that 14 million Muslims and Hindus were rendered homeless in the mass migration during the period of partition. Also, it has been estimated that one million deaths resulted from conflicts between Muslims and Hindus during this period.

It was under these circumstances and at this time that the Kashmir dispute arose.

#### KASHMIR

Kashmir is an area of 84,471 square miles situated at the apex of the Indo-Pakistan subcontinent. By an inspection of the map, one can readily evaluate Kashmir's strategic geographical importance to Pakistan and India. (Annex A) It is contiguous to India on the south, Pakistan on the west, and the Communist Chinese Provinces of

Tibet and Sinkiang on the east and north. Along the northwest boundary a narrow strip of Afghanistan territory separates Kashmir from the Soviet Union. Kashmir's 900-mile frontier with China never has been precisely surveyed or formally agreed on by the Chinese government.<sup>3</sup>

Historically, economically and politically the heart of Kashmir is the Vale of Kashmir now being held by India. Of Kashmir's estimated 4.5 million people, approximately one third live in the Vale of Kashmir which measures 85 miles by 25 miles. Ninety percent of the Vale's inhabitants are Muslim.<sup>4</sup>

Timber is the principal product of Kashmir and accounts for approximately 25 percent of the areas annual income. Coal and bauxite resources have been located in abundance. The minerals of Kashmir, however, have not as yet been developed. Figuring quite prominently in the Kashmir dispute is Pakistan's reliance on water that flows into Pakistan from Kashmir. The Indus River and its five main tributaries are the means by which the Kashmir timber was moved into Pakistan and the sources used to irrigate most of the arable land of West Pakistan. The economy and future development of Pakistan is dependent to a large degree on Kashmir and its natural resources.

Kashmir is divided into Kashmir Province, Jammu Province, Ladakh, Baltistan and Gilgit. As a result of the migrations attendant

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<sup>3</sup>Michael Brecher, The Struggle for Kashmir, pp. 2-3.

<sup>4</sup>Richard L. Worsnop, Kashmir Question, p. 809.

to the communal riots in the Punjab in 1947, the Hindus and Sikhs in Jammu are now in the majority.<sup>5</sup> Muslims are in the majority in Gilgit, Balistan, and the western part of Ladakh. In the eastern part of Ladakh, however, Buddhism is the predominant religion. That part of Kashmir west of the ceasefire line is practically all Muslim and is known as Azad Kashmir or Free Kashmir.

Kashmir has had a long history of alien denomination that to a great degree accounts for its lack of homogeneous unity. After seven centuries of rule by Hindu kings, there followed an establishment of rule by Muslim sultanate in 1339. Kashmir's lasting link with the Islamic religion dates back to this 250-year period when most of its inhabitants were converted to Islam. In 1586 Kashmir was taken over by Mongul control and became an Afghan satrapy in 1753. Rule by the Afghans continued until 1819 when the Sikh Kingdom of Punjab annexed Kashmir.<sup>6</sup>

In 1841 Gulab Singh, the Hindu ruler of the small principality of Jammu, was sent to quell a rebellion of Sikh troops in Kashmir. By virtue of his efficiency he became master of the Kashmir Valley. After the Sikh War with the British in 1845, the British demanded an indemnity of the Sikh Government. Kashmir was ceded to the British by the Treaty of Amritsar on 16 March 1846. The British, in turn, transferred Kashmir to Maharaja Gulab Singh as a separate sovereignty for the sum of £ one million.<sup>7</sup> For the next century

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<sup>5</sup>Free Kashmir Center, Questions About Kashmir, p. 39.

<sup>6</sup>Worsnop, op. cit., p. 808.

<sup>7</sup>Lord Birdwood, A Government Decides, pp. 211-212.

Kashmir was ruled by Gulab Singh and his successors. Thus, when India became independent in 1947, Kashmir was an overwhelmingly Muslim state under Hindu control.

### PARTITION

British rule in India ended on 15 August 1947. Out of the undivided country two independent sovereign states were fashioned, India and Pakistan, the latter again being divided into two units of East and West Pakistan. Prior to partitioning there were 562 separate states in India, Kashmir being the largest. The majority were small in area and population, and their ruler's retained the ceremony and splendor of ancient India. Relations with India were governed by treaties whereby Britain, as the paramount power, was responsible for foreign affairs and defense, and the states were left free in the management of internal affairs. Independence for India meant this special relationship would end, with Britain no longer to remain as the paramount power.<sup>8</sup>

On 3 June 1947 the British government announced its plan for dissolving British India. Those contiguous Muslim states would form the new Dominion of Pakistan and the Hindu-Sikh states would constitute India. Each prince of the separate states had the option to remain independent or to accede to either India or Pakistan. Lord Louis Mountbatten, the British Governor-General of the Dominion of India, encouraged the rulers to come to some agreement with the new

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<sup>8</sup>James P. Ferguson, Kashmir, pp. 66-67.

Indian and Pakistan governments prior to 15 August 1947. His advice was followed by the great majority of rulers.<sup>9</sup> In guiding the rulers in accession Lord Mountbatten stressed religious composition, religious beliefs of the people and the geographical location of the states.

Three days prior to the transfer of power and the accession time limit, the Kashmir Government, under Maharaja Sir Hari Singh, a Hindu, announced its intention of signing Standstill Agreements with both India and Pakistan.<sup>10</sup> This was a legitimate procedure to ensure continuity of vital support, to include telephone, telegraph, rail and road facilities furnished by Pakistan. In addition, it was a means whereby a state could gain added time in its determination on accession or independence.

Maharaja Singh's chronic indecision coupled with increased oppression of the Muslims during this period, however, must be accounted as a big factor in the initial crisis between India and Pakistan. Any action, taken quickly, may have averted the ensuing turmoil.<sup>11</sup>

As an independent state, Kashmir was involved immediately in mass migrations of Muslims moving from Indian states and Hindus moving from Muslim states. The influx of people added to the unrest in Kashmir.

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<sup>9</sup>Lord Birdwood, op. cit., pp.

<sup>10</sup>Alan Campbell-Johnson, Mission With Mountbatten, p. 223.

<sup>11</sup>ibid.

As a means of pressure on Kashmir to accede to Pakistan, which was clearly assumed by Mohammed Ali Jinnah, Prime Minister of Pakistan, Pakistan's Muslim Poonch tribesmen and mountain tribesmen of the Northwest Frontier, took matters into their own hands and moved militarily to overthrow the government of Maharaja Singh.<sup>12</sup>

#### INVASION OF KASHMIR BY NORTHWEST TRIBESMEN

Five thousand mountain tribesmen attacked on 22 October 1947 to capture Srinagar, summer capital of Kashmir and dispose of Maharaja Sir Hari Singh. The attack began at Domel and by 26 October 1947, Baramula had fallen. Tribesmen resorted to looting, rape, and random murder of civilians, a Roman Catholic Convent with an estimated 200 inhabitants being among the victims.

As the tribesmen closed on Srinagar Maharaja Singh requested military assistance from India. Troop reinforcement was considered by the Indian Defense Committee on 25 October 1947. Lord Mountbatten, however, urged that it would invite war with Pakistan to send any troops unless Kashmir had first offered to accede to India. Moreover, Mountbatten stressed that accession by Kashmir to India should be temporary, with a plebiscite to follow as soon as law and order were restored.<sup>13</sup>

By 26 October 1947, the Indian Secretary for Ministry of State, V. P. Krishna Menon, met with Maharaja Singh in Srinagar and advised

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<sup>12</sup>Gerald L. Steibel, "The Strange Story of India and Pakistan," The American Legion Magazine, Dec. 1965, p. 49.

<sup>13</sup>Ferguson, op. cit., p. 68.

Singh to leave the capital as the raiders were in Baramula.

Realizing that all would be lost unless India could help immediately, Singh signed a letter of accession, presented it to Secretary Menon, and requested military assistance.<sup>14</sup>

#### ACCESSION

Lord Mountbattan, as the Governor-General of the Dominion of India, accepted the accession, stating that with the restoration of peaceful conditions, "the question of the State's (Kashmir) accession should be settled by a reference to the people."

On 27 October 1947, air-transported Indian troops landed at Srinagar airport at approximately the same time as the attacking tribesmen were preparing to occupy the airport. The tribesmen planned to occupy the airport prior to moving into the capital city which was only 4.5 miles distance. The Indian troops repelled the attack by the tribesmen and prevented the capital city from being captured. There was a subsequent buildup of Indian troops and the tribesmen were driven from the Vale of Kashmir.<sup>15</sup>

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Also on 27 October 1947, Mr. Jawaharlal Nehru, Prime Minister of India, telegraphed Mr. Clement Attlee, Prime Minister of the United Kingdom:

I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in anyway to influence the State to accede to India. Our view, which we have repeatedly made public, is that the question of accession in any disputed

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<sup>14</sup>Campbell-Johnson, op. cit., pp. 224-226.

<sup>15</sup>Ferguson, op. cit., p. 69.

territory or State must be decided in accordance with the wishes of the people and we adhere to this view.<sup>16</sup>

On 28 October 1947, Mr. Nehru restated this position in a telegram to the Prime Minister of Pakistan, in which he said: "The accession of the State is subject to reference to the people of the State and to their decision."<sup>17</sup>

Pakistan's initial reaction to India's movement of troops into Kashmir was to counter with Pakistan's troops. This plan was discarded when a meeting was arranged whereby Mr. Nehru and Lord Mountbatten would meet with Mohammed Ali Jinnah, the newly appointed Governor-General of Pakistan. Because of illness Mr. Nehru did not make the meeting. Mr. Jinnah presented the following proposals:<sup>18</sup>

- a. That there should be an immediate ceasefire.
- b. That both Indian troops and tribesmen should withdraw from Kashmir.
- c. That both Governor-Generals should be given power to administer the state and conduct a plebiscite.

When Lord Mountbatten asked Mr. Jinnah to explain how the tribesmen could be removed from the fighting in Kashmir, Mr. Jinnah is reputed to have replied, "If you do this, I will call the whole thing off."

As to the proposal that both Governor-Generals be given power to administer the State of Kashmir and arrange for a plebiscite under

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<sup>16</sup>Free Kashmir Center, op. cit., p. 12.

<sup>17</sup>Ibid.

<sup>18</sup>Campbell-Johnson, op. cit., pp. 229-230.

their supervision, Lord Mountbattan countered with a proposal that a plebiscite should be undertaken by the United Nations, in that he was powerless to act without his government's advice.<sup>19</sup>

The day following the Lahore meeting of Mr. Jinnah and Lord Mountbattan, 2 November 1947, Mr. Nehru made a broadcast to his nation and without mentioning the Lahore meeting repeated the suggestion made by Mountbattan to Jinnah of a plebiscite held under United Nations auspices.

In a surprise move the Prime Minister of Pakistan on 16 November 1947, issued a press statement accepting Nehru's suggestion of reference of the dispute to the United Nations.

On 21 November 1947, Mr. Nehru issued a statement making known his contention that United Nations action would be useless until law and order were restored in Kashmir.

The dispute over Kashmir widened until it was finally referred to the United Nations.<sup>20</sup>

#### JUNAGADH INCIDENT

To evaluate India's moral and legal validity in the accession of Kashmir, consideration must be given to a similar situation in the State of Junagadh which is one of three states where India attached different standards than those used in Kashmir.

On 15 September 1947, Junagadh, a Hindu state surrounded by other Hindu states and under a Muslim ruler and government, acceded

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<sup>19</sup>Joseph Korbel, Danger in Kashmir, p. 89.

<sup>20</sup>Ibid., pp. 90-91.

to and was accepted by Pakistan. Because Junagadh was predominately Hindu and not contiguous to other Muslim states, Indian Army troops were moved to the borders and later annexed Junagadh as a part of India.<sup>21</sup>

In this situation India maintained that all sovereign rights reverted to the people of the state upon lapse of British paramountcy and that Pakistan's acceptance of accession was an encroachment on Indian inhabitant's sovereignty and territory as well as a violation of agreed principals of the partition.<sup>22</sup>

The importance of this action was that it established a precedent and an interpretation of the rules of partition with respect to the will and religion of the people in a particular state. By a confirming plebiscite, wherein the people of Junagadh voted for accession to India, the Indian Government claimed justification for its action of annexation.<sup>23</sup>

It is well to remember that annexation of Junagadh by India preceded the Kashmir dispute.

#### EVALUATION

Historically, religiously, culturally, economically and geographically Kashmir has been and is linked to Pakistan more so than to India. Kashmir was considered to be an integral part of Pakistan from the initial concept of regrouping Muslim states on the subcontinent

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<sup>21</sup>Campbell-Johnson, op. cit., pp. 191-192.

<sup>22</sup>United Nations Security Council, Official Records, 761st Meeting, 16 Jan. 1957, p. 4.

<sup>23</sup>Campbell-Johnson, op. cit., p. 358.

into a nation separate from India. Under the rules of partition, Kashmir should have morally and rightfully acceded to Pakistan.

Although Maharaja Sir Hari Singh of Kashmir tried to bring about his long standing desire for independence by entering into a Stand-still Agreement with both India and Pakistan, it was inevitable that Kashmir could not exist as a viable entity for any sustained period. Maharaja Singh's inaction coupled with his oppression of Kashmiri Muslim subjects and the turmoil caused by migration of both Hindus and Muslims prior to and during partition, presented an excellent opportunity for Pakistan to topple Maharaja Singh's government, militarily. Available evidence, though inconclusive, points to Pakistan being responsible in planning for, supplying, and directing the North-west Frontier tribesmen in their 26 October 1947 attack on Kashmir.

The accession of Kashmir to India was legal. However, the accession did not conform to all the guidelines laid down by Governor-General Lord Louis Mountbatten. India accepted the accession despite having established a precedent in the Junagadh Incident whereby a state's sovereignty would be left to the desires of the people. Although Lord Mountbatten and later Prime Minister Nehru stated that accession of Kashmir should be referred to the people of Kashmir for final determination, subsequent actions by the leaders of India give no indication that their intentions were other than retention of Kashmir.

Probably the final opportunity to bring about a timely, just and peaceful solution in Kashmir passed during the period immediately following India's commitment of troops on 27 October 1947. At that time Mr. Jinnah, Governor-General of Pakistan, Lord Mountbatten, and

Mr. Nehru could have solved what subsequent clashes, open warfare, political maneuvering and eighteen years of diplomatic effort have not yet solved.

## CHAPTER 3

### UNITED NATIONS INTERVENTION THROUGH 1964

In the early part of 1948, India, after being convinced that Pakistan had been instrumental in fomenting and supplying the crisis in Kashmir, referred the dispute to the Security Council of the United Nations.<sup>1</sup> Pakistan was accused of being the aggressor. India stated if Pakistan continued its assistance to the raiders, India may be required to enter the territory of Pakistan. India gave further assurance that a plebiscite would be held as soon as conditions in Kashmir had become normal. Pakistan denied the charges and countercharged that:

a. Accession of Maharaja Singh was invalid, having been made while the Standstill Agreement of 15 August 1947 between Kashmir and Pakistan was still in effect.

b. The accession was contrary to the will of the people of Kashmir.

c. The Muslims operating in the Poonch were fighting for their defense while the people of Gilgit had rejected the Maharaja's rule and established their own government.

d. The Maharaja, by fleeing the capital of Srinagar, proved he was no longer in control of Kashmir or in a position to determine the fate of the State.

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<sup>1</sup>United Nations, Department of Public Information, Research Section, The India-Pakistan Question--Background Paper No 72, 31 Dec. 1952, p. 3.

Pakistan requested that:

- a. The United Nations appoint a commission to bring about a ceasefire.
- b. Everyone who had gone into Kashmir in recent months, whether Pakistani or Indian, should be removed.
- c. People of Kashmir who had fled the State be brought back.
- d. An administration be set up by the United Nations to be followed by a plebiscite.

On 20 January 1948, the Security Council adopted a resolution whereby three representative members of the United Nations would investigate the state of affairs between India and Pakistan and report their findings to the Security Council.<sup>2</sup> (Annex B)

Debate in the Security Council continued until on 21 April 1948, a commission of five people was appointed to proceed to India and Pakistan to mediate between the two governments.<sup>3</sup> (Annex C) Fighting in Kashmir became more intense. In May 1948, Pakistan committed troops to meet what it believed to be a threat to its own security.

On 13 August 1948, the United Nations Commission for India and Pakistan (UNCIP) obtained agreement of both India and Pakistan to a resolution that:

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<sup>2</sup>United Nations, Security Council, Official Records, 230th Meeting, 20 Jan. 1948, pp. 130,143: Resolution S/1654.

<sup>3</sup>United Nations, Security Council, Official Records, 286th Meeting, 21 April 1948, p. 21: Resolution S/1726.

- a. Provided for a ceasefire.
- b. Called for a withdrawal of Pakistan troops, Pakistan nationals and tribesmen to be followed by the withdrawal of the majority of Indian troops.
- c. Provided that until a final settlement of the dispute was effected by reference to the will of the people, Indian troops would remain within the limits of the ceasefire line in order to preserve the internal security of the State.<sup>4</sup> (Annex D)

A ceasefire was proclaimed on 1 January 1949, with a substantiating resolution dated 5 January 1949.<sup>5</sup>

Fleet Admiral Chester W. Nimitz, USN, was nominated Plebiscite Administrator on 22 March 1949. Following the acceptance of a permanent Truce Agreement, he was to be formally appointed by the Governor of Jammu and Kashmir.

The Commission presented its proposal for the Truce Agreement to both India and Pakistan, simultaneously, on 15 April 1949. Terms of the proposal were essentially those outlined in the 13 August 1948 United Nations Security Council resolution which included, in part, a schedule for the withdrawal of troops and the fixing of a demarcation line based upon a position occupied by the Indian and Pakistan armies as of 1 January 1949. On 6 June 1949, neither India or Pakistan had acceded to the UNCIP's request for unreserved acceptance

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<sup>4</sup>United Nations, Security Council, Official Records, The India-Pakistan Question - S/995, Resolution Adopted by UNCIP, 40th Meeting in Karachi, 13 Aug. 1948.

<sup>5</sup>United Nations, Security Council, Official Records, Supplement For Jan. 1949 - S/1196, Resolution Adopted by UNCIP, New York Meeting, 5 Jan. 1949, p. 23.

of the truce terms. Issues remaining unsolved were the disposal of Azad (Free) Kashmir Forces,<sup>6</sup> the withdrawal of troops, and the defense of the Northern Areas of Kashmir.

#### MEDIATION BY GENERAL McNAUGHTON

Not being able to obtain an agreement between India and Pakistan, UNCIP recommended that the Security Council designate a representative with broad authority to bring the two governments together. General A. G. L. McNaughton, (Norway), was appointed by the Security Council on 17 December 1949, to meet informally with India and Pakistan to examine the possibility of finding a mutually satisfactory basis for settling the issues of the dispute. On 22 December 1949, General McNaughton proposed a plan designed to provide a basis for an agreed program of demilitarization, to include:

- a. Withdrawal of Pakistan regular forces.
- b. Withdrawal of Indian regular forces not required for maintenance of security, law and order.
- c. Reduction of local forces, including on one side local and militia forces and on the other Azad Kashmir forces.
- d. Demilitarization of the Northern Area under supervision of the United Nations.
- e. Unconditional assurance by Pakistan to the Government of India that it would deal effectively with any tribal incursions within its borders.

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<sup>6</sup>Azad Kashmir Forces-- forces predominately Muslim in character in revolt against the Maharaja's Government and resisting the accession of Kashmir to India.

f. Both governments were to confirm the inviolability of the ceasefire line.

g. Agreement by the two governments on basic principles of demilitarization; minimum forces required for security, law and order; and the date for reduction of forces.

h. Both governments appointing a United Nations representative to supervise demilitarization and interpret agreements on reduction of forces and disposition of forces.

When the above was accomplished to the satisfaction of the United Nations Plebiscite Administrator, he was then to exercise the functions assigned by the resolution of 5 January 1949, that of conducting a plebiscite.

General McNaughton reported to the Security Council on 3 February 1950, that India and Pakistan had countered his proposals with amendments which were found to be unacceptable to either party. He, therefore, considered that no useful purpose could be served by continued activity on his part.

#### SIR OWEN DIXON MISSION

Based on General McNaughton's proposals and after hearing the views of both India and Pakistan, the Security Council, on 14 March 1950, adopted a resolution whereby both countries were called upon to prepare and begin a demilitarization program within five months. Sir Owen Dixon, (Australia), was appointed by the Security Council

as the United Nations representative in this latest effort. Upon appointment of Dixon, UNCIP was withdrawn.<sup>7</sup>

On 15 September 1950, Dixon reported to the Security Council that there was no mutual agreement on demilitarization procedures or for conducting a plebiscite. His report did, however, conclude that the only chance for settling the dispute lay in partition and some method of allocating the Vale of Kashmir rather than in an overall plebiscite. He suggested that both India and Pakistan work out the problem. Dixon further recommended the Security Council press for reduction of military forces along the ceasefire line. He requested relief as the United Nations representative.<sup>8</sup>

#### COMMONWEALTH PRIME MINISTER'S CONFERENCE

Although the Dixon Report had revealed a complete impasse, the Security Council took no action in the dispute for more than five months. India showed a complete indifference to the inaction by the United Nations. Pakistan, however, stressed the need for immediate action.

Pakistan focused world attention on the Kashmir dispute through another media, the Commonwealth Prime Minister's Conference, scheduled to convene in London in early January 1951. On 30 December 1950, the Pakistan Prime Minister cancelled his trip to London

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<sup>7</sup>United Nations, Security Council, Official Records, 470th Meeting 14 Mar. 1950, p. 4, Resolution S/1461.

<sup>8</sup>United Nations, Department of Public Information, Research Section, The India-Pakistan Question--Background Paper No. 72, 31 Dec. 1952, pp. 20-21.

because the Kashmir dispute had not been placed on the agenda of the Conference. Utilizing five days of international publicity and an exchange of cables between Mr. Attlee and Liaquat Ali Khan, Prime Minister of Pakistan, the latter consented to attend.

During the Conference, Prime Minister Menzies of Australia proposed the following:

- a. India and Pakistan should station a combined force in Kashmir during the plebiscite.
- b. The plebiscite administrator should be authorized to raise a local Kashmiri force for the plebiscite period, all other troops to be withdrawn.
- c. Forces from other Commonwealth nations should be stationed in Kashmir during the plebiscite.<sup>9</sup>

India rejected all of the proposals.

#### DR. FRANK GRAHAM'S MISSION

The Security Council, after studying the Dixon Report, on 30 March 1951, decided to appoint Dr. Frank Graham, (United States), as the United Nations Representative to succeed Sir Owen Dixon. Mr. Graham, appointed on 30 April 1951, was instructed to consult initially with the governments of both India and Pakistan and then effect a demilitarization of the State of Kashmir on the

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<sup>9</sup>Frank D. Collins, "Recent Developments in the Kashmir Dispute," The Department of State Bulletin, Vol. xxvii, No. 696, 27 Oct. 1952, p. 663.

basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948, and 5 January 1949.

In the period of inaction by the United Nations, however, a resolution had been adopted by the All-Jammu and Kashmir National Conference on 27 October 1950, proposing the convening of a constituent assembly to determine "the future shape and affiliations of the State." India welcomed the move and proposed the constituent assembly "ratify the accession of the State to India." Pakistan requested the Security Council to call upon India to refrain from proceeding with the proposal for holding a constituent assembly in that it violated the international agreement embodied by the resolutions of 13 August 1948, and 5 January 1949.<sup>10</sup>

After numerous messages exchanged between the Security Council and the governments of India and Pakistan, the Council reminded the two governments of its resolution of 30 March 1951, wherein India and Pakistan reaffirmed their desire that the future of Kashmir shall be decided by a free and impartial plebiscite, and expressed the hope authorities in Kashmir would not disregard the Security Council.<sup>11</sup>

Dr. Graham arrived in India on 30 June 1951, and on 17 September 1951, submitted a 12-point proposal for demilitarization.

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<sup>10</sup>United Nations, Department of Public Information Research Section, The India-Pakistan Question--Background Paper No. 72, 31 Dec. 1952, pp. 22-24.

<sup>11</sup>United Nations, Security Council, Official Records, 539th Meeting, 30 Mar. 1951, pp. 1,15: Resolution S/2017.

Paramount in his proposal was a single and continuous demilitarization to be accomplished in 90 days.<sup>12</sup>

A three-month time limit was set by the Security Council for Dr. Graham to accomplish his mission, but the three months lengthened into two years of consultation and negotiation, with the end result that no settlement had been reached. Disagreements centered on:

- a. The number of troops to be retained on each side of the ceasefire line.

- b. When the Plebiscite Administrator should begin his duties.

Finally, at the end of two years, Dr. Graham reported that he had no further proposals to make.

The United Nations made no direct efforts at settlement of the India-Pakistan dispute over Kashmir until 1957. However, a ray of hope was noted immediately following Dr. Graham's attempt to mediate the dispute.

The Prime Ministers of India and Pakistan entered into direct negotiations in August 1953. In a joint declaration it was stated that:

- a. The Kashmir dispute should be settled in accordance with the will of the people.

- b. The best means was by a plebiscite.

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<sup>12</sup>United Nations, Department of Public Information, Research Section, The India-Pakistan Question--Background Paper No. 72, 31 Dec. 1952, Annex VIII.

c. Committees were to be set up to advise the Prime Ministers of how preliminary issues should be settled.

No action came from this joint statement. Mr. Nehru pressed for appointment of a replacement for Admiral Nimitz whereas Pakistan was in favor of the initial appointment. The greatest difference in views was brought about by Pakistan's acceptance of military aid from the United States.

News of negotiations of a military aid pact between the United States and Pakistan reached New Delhi in the autumn of 1953, and India immediately changed its attitude about the Kashmir plebiscite. On 5 March 1954, Mr. Nehru stated: "The decision to give this aid has changed the whole context of the Kashmir issue, and the long talks we have had about this matter have little relation to the new facts which flow from this aid."<sup>13</sup>

In September 1954, Admiral Nimitz resigned from the post he had never filled.<sup>14</sup>

#### AMBASSADOR GUNNAR JARRING MISSION

The Constituent Assembly of Kashmir drew up a new Constitution which was to become effective on 26 January 1957. A provision of the Constitution confirmed the accession of the State of Kashmir to India and regarded Kashmir as an integral part of India. Pakistan reacted

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<sup>13</sup>Richard L. Worsnop, Kashmir Question, p. 813.

<sup>14</sup>James P. Ferguson, Kashmir, pp. 75-76.

sharply to this action and again took the matter to the United Nations.<sup>15</sup>

The Security Council voted on 24 January 1957 to continue its pursuit in the settlement of the India-Pakistan dispute over Kashmir and designated Gunnar Jarring, (Sweden), to explore any proposals leading to a solution.<sup>16</sup>

On 14 March 1957, Mr. Jarring arrived on the subcontinent and went into consultation with the governments of India and Pakistan. India's position was that, because Pakistan was accepting military assistance from the United States and taking a war-like course, she was no longer obligated to proceed with demilitarization or conducting a plebiscite. India refused to enter into negotiation on any aspect of the dispute.

Mr. Jarring reported to the Security Council on 30 April 1957, there was no progress in the settlement of the India-Pakistan dispute.<sup>17</sup>

#### DR. FRANK GRAHAM'S MISSION NO. 2

The Security Council, on 2 December 1957, resolved to again attempt a solution of the India-Pakistan dispute. Dr. Graham was again selected as the United Nations Representative. After consultation with both governments, Dr. Graham proposed:

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<sup>15</sup>Ibid., p. 83.

<sup>16</sup>United Nations, Security Council, Official Records, 765th Meeting, 24 Jan. 1957, p. 28: Resolution S/3778.

<sup>17</sup>United Nations, Security Council, Official Records, 808th Meeting, 2 Dec. 1957, p. 4: Resolution S/3911.

- a. That the Pakistani Army should withdraw from Kashmir.
- b. A United Nations force should occupy the border between Kashmir and Pakistan.
- c. A conference of the Prime Ministers of India and Pakistan should be held to reach agreement on a plebiscite.

Dr. Graham's proposals were rejected by India on the ground Pakistan was not labeled as the aggressor and no distinction was made between the aggressor and those against whom aggression had been committed.

Dr. Graham had to again admit to failure.<sup>18</sup>

#### ADDITIONAL ATTEMPTS AT SETTLEMENT AFTER 1957

Ayub Khan came to power in Pakistan in October 1958, and made many conciliatory gestures toward India, proposing, among other things, a joint defense of the subcontinent. During the period 1959-1960 Prime Minister Nehru and Khan met three times, but failed to reach agreement on the Kashmir dispute.

When in 1962 China attacked the Northern border of India, there was encouragement India and Pakistan would be drawn together. An Indian delegation did proceed to Pakistan to open negotiations on the Kashmir dispute. The day prior to this meeting, however, Pakistan and Communist China announced "agreement in principle" on their common border. Of the timing, Nehru stated, "It is deliberate and does not indicate any desire on the part of Pakistan to arrive at a settlement."

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<sup>18</sup>Ibid., pp. 3-4.

Nehru's death on 27 May 1964 came at a time when arrangements were being made for another Nehru-Khan meeting. Khan made an appeal by radio in June 1964 for a solution of India-Pakistan problems. Nehru's successor, Lal Bahadur Shastri, also made a radio appeal on 11 June 1964. He stated, in part, "we must reverse the tide of the unfortunate relations between the two countries." On 12 October 1964, Khan and Shastri met in Karachi. An agreement was reached that relations "needed to be improved," and that outstanding disputes were to be settled "on an honorable and equitable basis."<sup>19</sup>

#### EVALUATION

When the Indian charge of Pakistan aggression was presented to the United Nations for action in January 1948, that world peace-keeping organization was less than three years old. There was no precedent established for such action nor was there sufficient interest shown by the then world powers to give impetus to a timely solution.

Debates within the United Nations became embroiled in accusations and countercharges based primarily on India's legalized claim of accession and Pakistan's contention that all actions taken by India were illegal, followed by demands for a plebiscite.

After war broke out in May 1948 between Indian and Pakistani regular forces, the United Nations Commission to India and Pakistan

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<sup>19</sup>Worsnop, op. cit., pp. 814-815.

(UNCIP), was instrumental in obtaining agreement of both India and Pakistan on a ceasefire, partial withdrawal of troops, and a provision of Indian troops for security until a plebiscite could be conducted. The ceasefire became effective on 1 January 1949.

The period from 1949 through 1964, fifteen years, was marked by a continuous effort by the United Nations to settle the Kashmir dispute. Intensity and frequency of clashes along the ceasefire line were proportionate to the political maneuvering by both countries. Despite the efforts of UNCIP, five different settlement missions by representatives of the United Nations, the Commonwealth Prime Ministers Conference in January 1951, and direct meetings between the heads of both India and Pakistan, no solution proved acceptable to both parties. Throughout the period of negotiations, India and Pakistan took measures that caused the other to take more hardened positions that further widened the cleavage of the Kashmir dispute. India has acted through legal means to solidify and lend credence to its claim that Kashmir is an integral part of the Government of India while Pakistan accepted military aid and entered into CENTO and SEATO alliances. Since the early 1950's, the situation has become further aggravated as the United States, the Soviet Union and Communist China have evidenced a growing interest and concern in the subcontinent. The Chinese Communist invasion of the Indian Frontier in 1962 coupled with a Pakistan rapprochement lent tinder to an already explosive situation.

In evaluating the United Nations' action of the Kashmir dispute from 1948 thru 1964, it is highly noticeable that the question of

"rightful ownership" and findings on charges lodged by both India and Pakistan have been avoided. Had these issues been approached and determined, initially, a solution may have been reached.

At the end of 1964, results indicated the United Nations had been ineffective in its efforts to attain a peaceful solution and settlement of the Kashmir dispute.

## CHAPTER 4

### UNDECLARED WAR -- 1965

#### TENSIONS RISE

Sheikh Mohammed Abdullah, former Prime Minister of Kashmir, is held by most authorities to be the dominant and most influential leader of the Kashmir people. Before and after the 1947 Partition of Kashmir, he had been a rabid advocate of self determination and an independent Kashmir.<sup>1</sup> In 1964 the Indian Government released Sheikh Abdullah from prison where he had been held since 1953. Almost immediately he launched into promoting self determination for Kashmir, and in May 1965 the Indians again placed him in detention. The Kashmiri people, lead by the Plebiscite Party, reacted by rioting and general disorder.

In December 1964, India acted on its previously announced intention to incorporate Kashmir into the Indian Union. By constitutional provision, India was authorized to take over administration of Kashmir if that administration broke down. The Home Minister of India in an official statement declared:

"The accession of Jammu and Kashmir with India is final, complete and irrevocable, and no extraneous considerations will force us to change our mind."

Along the ceasefire line, the number of clashes between India and Pakistan regular military forces increased greatly. In April 1965,

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<sup>1</sup>James P. Ferguson, Kashmir, pp. 78-82.

open conflict erupted over the Rann of Kutch. The Rann of Kutch is a waste land possessing no strategic military importance. On 30 June 1965, the British were instrumental in negotiating a cease-fire in this local dispute. The engagement between regular military forces of both countries did heighten tensions and serve as a significant reminder to how open conflict can escalate into a major engagement and war.<sup>2</sup>

#### COMPARISON OF INDIA AND PAKISTAN ARMED FORCES

##### India

The armed forces of India are run on a voluntary basis. With a population of 470 million, strength of the military was approximately 825,000 with a volunteer reserve territorial army of about 40,000. In 1962, a major program was initiated to increase the Army strength which at the beginning of the war with Pakistan totaled 777,500 soldiers. Major units were 10 Infantry divisions, one Armored division, one Armored brigade and 4 Light Tank regiments. Tanks of the Armored units were primarily British Centurians and Stuarts with a small number of American World War II Shermans.

Strength of the air force was approximately 19,500. Strength in planes approximated 100 British Gnat Fighters, 150 Hawk Hunters, 100 French Mystere IVA Fighter bombers, 80 Canberras and a small number of Russian MIG 21's. Older type planes included American

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<sup>2</sup>For Commanders, "India and Pakistan: Crisis in South Asia," This Changing World, Vol. 5, No 7, Dept of Defense, 1 Oct. 1965, p. 2.

Fairchild Packets, C-47 Dakotas, Super Constellations, Russian IL 14's and AN 12's, and Canadian Caribous.

Strength of the navy was approximately 19,500. Ships consisted of one 16,000 ton Carrier, two Cruisers, three Destroyers, five Anti-submarine Frigates, three Anti-aircraft Frigates and six Minesweepers.

### Pakistan

Pakistan's armed forces, like India, are on a voluntary basis. Of the 101 million population, Pakistan's armed forces total approximately 200,000 with a paramilitary force of 60,000 made up of tribesmen in both East and West Pakistan, Azad Kashmir troops and Rangers. At the outbreak of war with India, the Pakistan Army totalled approximately 236,000 soldiers (including paramilitary forces). Major units were five Infantry divisions in the West and one Infantry division in the East, one Armored division, two Independent brigades, one Armored brigade and one Air Defense brigade.

Strength of the air force was approximately 15,000. Inventory of planes approximated 100 American F-86 Saber Jet fighters, a small number of F-104A Supersonic Starfighters and Lockheed Shooting Stars. Also included in the Pakistan Air Force was a small number of American C-130 transports and about 30 old Bristol freighters.

Strength of the navy was approximately 9,000. Ships consisted of one former British Cruiser, (Babur), which is used primarily as a cadet training ship, five Destroyers, two Anti-submarine Frigates, eight Coastal Minesweepers, and one American Submarine, (Ghazi).<sup>3</sup>

#### FIGHTING ERUPTS IN KASHMIR

On 5 August 1965, the Pakistan Government armed and sent approximately 5,000 Azad Kashmir forces into the Indian held Vale of Kashmir to foment revolt. (Annex E) Ayub Khan's apparent intention was either to start a revolution to win Muslim Kashmir to Muslim Pakistan or to focus world attention on the issue of India's unwillingness to hold a plebiscite.<sup>4</sup> Prime Minister Shastri gave as an explanation for Pakistan's actions, the following possible reasons:

a. "Pakistan may have been hoping that by making it seem like an internal revolt, it could arouse world opinion on the Kashmir issue and force us to change our stand.

b. It may have hoped that after the agreement to submit the border in the Rann of Kutch for adjudication by a tribunal, we could be forced to submit the Kashmir issue the same way.

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<sup>3</sup>Dispatch of The Times, London, "India Possesses the Larger Army," The New York Times, 7 Sept. 1965, p. 20L.

<sup>4</sup>Ibid., p. 3.

c. It may have been hoped to start a full scale guerilla war in Kashmir and seize the state from us militarily."<sup>5</sup>

Initially, Indian forces in Kashmir had little success in rounding up the infiltrators. Reports from India were that the infiltrators belonged to a special Pakistani Army unit known as "Gilbralter Forces." Prisoner reports indicated the infiltration had been planned, mounted and carried out by Pakistan.<sup>6</sup>

In retaliation, Indian Army forces crossed the ceasefire line on 16 August 1965, attacked and seized three Pakistani posts in the Kargil sector of Azad Kashmir. These posts, in addition to being military bases and staging areas from which the infiltrators had come, were key terrain features, the retention of which was necessary in commanding a vital main supply route from Srinagar to Leh, principal city of the Ladakh Sector. This supply route is the only Indian held road used to supply Indian troops along the 1947 ceasefire line, as well as the only land communication route to Leh and Indian garrisons facing the Chinese Communist in Ladakh.

From the Indian Government it was announced that strength of the Pakistani infiltrators totalled approximately 1,000. India charged the infiltration as a Pakistani master plan for subversion

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<sup>5</sup>J. Anthony Lukas, "Shastri Warns Pakistan Faces Attack if Aggression Goes On," The New York Times, 22 Aug. 1965, p. 4 L.

<sup>6</sup>J. Anthony Lukas, "India Accuses Pakistan Army of Role in Kashmir," The New York Times, 13 Aug. 1965, p. 3 L.

<sup>7</sup>Richard L. Worsnop, Kashmir Question, p. 802.

in Kashmir. Pakistan countercharged that India was carrying on a propaganda campaign to cover up a revolt inside Kashmir.<sup>8</sup>

In the latter part of August, Indian Army troops continued their attacks against Pakistan Army posts by capturing three in the Tithwal Sector.<sup>9</sup> Also, five Indian battalions were committed in the first major offensive of the war to capture additional Pakistani positions and the Haji Pir Pass, a defile of 8,600 feet in the Uri Sector, 25 miles west of the ceasefire line inside Azad Kashmir.<sup>10</sup>

Pakistan, which had remained quiet except to repudiate Indian charges of infiltration, made its initial thrust on 1 September 1965.<sup>11</sup> One brigade that included approximately 70 American-made Patton tanks, attacked in the Chhamb Sector at Akhnur and Jammu to cut the main highway between Srinagar and New Delhi. This attack was stopped short of its objective five miles inside the ceasefire line.<sup>12</sup> The attack was initially successful in that the tanks did cut the highway. Infantry troops, however, were not used in conjunction with the tanks, and Indian infantry and tanks closed on the Pakistani tanks, destroying a sizeable number. At

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<sup>8</sup>J. Anthony Lukas, "India Says Pakistan Seeks Kashmir Guerrilla War," The New York Times, 11 Aug. 1965, p. 2 L.

<sup>9</sup>J. Anthony Lukas, "Indians Seize 3rd Pakistani Post," The New York Times, 27 Aug. 1965, pp. 1, 2 L.

<sup>10</sup>J. Anthony Lukas, "India Says Army Takes Key Points," The New York Times, 31 Aug. 1965, pp. 1, 4 L.

<sup>11</sup>Jacques Nevard, "Pakistani Troops Battling Indians; Planes in Clash," The New York Times, 2 Sept. 1965, pp. 1, 14 L.

<sup>12</sup>Jacques Nevard, "Pakistanis In Thrust," The New York Times, 6 Sept. 1965, pp. 1, 14 L.

darkness the Pakistani infantry still had not moved up to afford protection and the Pakistani tank crews abandoned the remaining tanks.<sup>13</sup>

On 6 September 1965, India mounted a corps-sized offensive. This major assault force was made up of the XIth Army Corps and consisted of the Seventh Infantry Division, First Armored Division and the Second Independent Brigade. The three-pronged force crossed the international border from Amritsar and Ferozepore with Lahore as the Corps objective. Lahore, Pakistan's second city, is only 15 miles west of the India-Pakistan border.<sup>14</sup> One column moved due west from Amritsar to envelop Lahore from the north, and the third struck from Ferozepore to the south of Lahore.<sup>15</sup> Defending Lahore were the Pakistani First Armored Division, 10th Infantry Division and miscellaneous army units. The battle area in this sector was excellent for maneuver of armored forces--made up primarily of plains, criss-crossed by irrigation ditches.<sup>16</sup> Attacking Indian forces reached the outskirts of Lahore before being stopped by Pakistani defenses and a Pakistani counterattack.

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<sup>13</sup>Thomas F. Brady, "Indian-Pakistani Tank Battle," Detailed, The New York Times, 25 Sept. 1965, Supplementary Material.

<sup>14</sup>J. Anthony Lukas, "Indian Troops In Lahore," The New York Times, 7 Sept. 1965, pp. 1, 18 L.

<sup>15</sup>John G. Norris, "War For Kashmir A Standoff," The Washington Post, 17 Oct. 1965, p. E 4.

<sup>16</sup>J. Anthony Lukas, "India Opens 2nd Front In Pakistan," The New York Times, 8 Sept. 1965, pp. 1, 16 L.

After the successful defense and counterattack by Pakistani forces had stopped the Indian attack at the outskirts of Lahore, the Indians again attacked on 7 and 8 September 1965. A Corps-sized attack, consisting of two Indian Infantry Divisions and one Armored Division, was launched from Jammu on the north with Lahore as the objective. At the city of Sialkot another major tank battle followed in which Indian forces failed to gain control of the plateau opening the approach to Lahore.<sup>17</sup>

The only other engagement in this undeclared war, which could be considered worthy of note, also came on 8 September 1965, when the Indian 67th Infantry Brigade attacked in the south from Barmer and captured the border town of Gadra. This move was diversionary, aimed at neutralizing Pakistani troops guarding Hyderabad and Karachi.<sup>18</sup>

In the air war, which was limited primarily to attacks on military type targets, neither side made much use of their supersonic planes (Pakistan American-built F 104's and Indian Soviet-built MIG 21's).<sup>19</sup> Despite the highly publicized air attacks, both sides used great restraint.<sup>20</sup> Reports to the contrary,

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<sup>17</sup>J. Anthony Lukas, "Indian Army Widens Push," The New York Times, 9 Sept. 1965, pp. 1, 14 L.

<sup>18</sup>John G. Norris, "War For Kashmir A Standoff," The Washington Post, 17 Oct. 1965, p. E 4.

<sup>19</sup>Dispatch of the Times, London, "India Possesses the Larger Army," The New York Times, 7 Sept. 1965, p. 21 L.

<sup>20</sup>J. Anthony Lukas, "Air Battle Rages Again in Kashmir; U.S. Arms An Issue," The New York Times, 3 Sept. 1965, pp. 1, 2 L.

attacks were not directed at cities of either side though some smaller villages were hard hit. Alleged mass attacks by parachute troops on cities of both sides resulted in either a few saboteurs or pilots descending from damaged planes.<sup>21</sup> A Pakistani mob attack on the American Embassy and USIS Library at Karachi did far more damage than the limited Indian air attacks on the city.<sup>22</sup>

No reports were uncovered to indicate that either India or Pakistan had employed Naval Forces.

#### CONFLICTING CLAIMS IN KASHMIR<sup>23</sup>

##### Pakistani Losses

	<u>Killed</u>	<u>Tanks</u>	<u>Planes</u>	<u>Land</u>
According to India:	4,802	471	73	446 sq. mi.
According to Pakistan:	830	8	12	-----
American Estimates:	---	200	20	650 sq. mi.

##### Indian Losses

According to Pakistan:	7,900	500	115	1,600 sq. mi.
According to India:	1,333	128	35	-----
American Estimates:	-----	175-190	65-70	310-320 sq. mi.

After 8 September 1965, there were no major engagements and the war became stalemated, marred only by sporadic, but intense,

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<sup>21</sup>J. Anthony Lukas, "India Opens 2nd Front in Pakistan," The New York Times, 8 Sept. 1965, pp. 1, 16 L.

<sup>22</sup>Norris, op. cit., p. E 4.

<sup>23</sup>Ibid.

clashes of local nature. India and Pakistan made grossly exaggerated estimates of their gains. Both sides agreed to a ceasefire on 23 September 1965. There have been only minor seizures of ground and very limited combat since that date.

Several factors contributed to halting what may be termed as a "Standoff" in the undeclared India-Pakistan war of three weeks duration. Basically they were the Chinese Communist threat to India, the United Nations demand for a ceasefire and United States and Soviet Union efforts toward peace. These aspects will be addressed in the following chapter.

#### EVALUATION

Pakistan's apparent aim in infiltrating approximately 5,000 Azad Kashmir and Pakistan Regular Army forces into the Indian-held Vale of Kashmir, beginning on 5 August 1965, appeared to be two-fold: to start a revolution to win Muslim Kashmir to Muslim Pakistan; and to bring world attention to the issue of India's unwillingness to hold a plebiscite.

From the beginning of the conflict through the ceasefire agreement, there were no indications that either Pakistan or India had planned or desired a major war against the other. India had no alternative but to defend itself and protect its main supply route along the 1947 Kashmir ceasefire line in that it is the only land communication route to Leh and the Indian garrison facing Chinese Communists in Ladakh. Having been attacked, India was justified in

its initial move. As insurance against further infiltration and protection of its main supply route, India took timely but only local actions in attacking and seizing Pakistani posts during the period 16-31 August 1965. Pakistan's slow reaction to these moves lend additional credence to the belief that it did not anticipate or desire a major war. Rather, it was Pakistan's intent to limit any conflict to Kashmir. It was not until 1 September 1965, that Pakistan launched its first major offensive in the Chhamb sector with an objective of cutting the highway between Srinagar and New Delhi. This action also indicates that Pakistan was intent on limiting conflict to Kashmir. Subsequent actions in the vicinity of Lahore, Sialkot and Gandra, though large-scale, were launched to achieve limited objectives and were retaliatory or diversionary in nature.

The question of who won this short war is still apropos. Each combatant lost military materials that it could ill afford, to say nothing of the irreparable damage inflicted on the frail economies of both nations. Militarily, the war was a "Standoff" with Indian superiority in numbers of personnel countered by Pakistan's superiority in more modern weapons, equipment and firepower. Pakistan succeeded in its aim of bringing the Kashmir issue to world attention. Its planned revolt inside Kashmir, however, escalated into open warfare for which it was not prepared, either militarily or economically. India was successful in stopping the military aims of Pakistan. Also, the Indian Army, which suffered deep humiliation during the Chinese Communist invasion of 1962, won a new respect from the Indian people,

and in meeting the Pakistani threat the Indian army strengthened government leadership inside India. Neither country appears to have gained a decisive edge, and neither side seems strong enough to extract a political victory.

## CHAPTER 5

### NEGOTIATIONS -- 1965 AND 1966

Attendant to the India-Pakistan undeclared war were parallel political maneuverings and negotiations that increased in intensity as it became more and more evident that the Kashmir dispute could well be the key to security in all of Asia.

Because clashes along the ceasefire line had long since become commonplace, news of the infiltration of Pakistani troops and India's countering military action in early and mid-August did not elicit immediate concern on the international level. By 18 August 1956, however, Secretary General U Thant had already made a total of five intensive efforts to prevent more serious fighting between India and Pakistan.<sup>1</sup> Also, during the early stage of the conflict the 45-man United Nations Kashmir Truce Commission under command of Lieutenant General Robert H. Nimmo tried without success to bring a halt to the fighting.<sup>2</sup> To obtain a first-hand account of the fighting Secretary U Thant summoned General Nimmo to the United Nations.<sup>3</sup> At a presidential news conference on 29 August 1965, President Lyndon B. Johnson expressed he was "greatly concerned over any flair-up" in the Kashmir dispute which he said "must and should be resolved by peaceful means."<sup>4</sup>

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<sup>1</sup>Special Report to The New York Times, "Talks on Kashmir Pressed By Thant," The New York Times, 18 Aug. 1965, p. 5 L.

<sup>2</sup>Jacques Nevard, "Kashmir Clashes Peril of Observers," The New York Times, 22 Aug. 1965, p. 5 L.

<sup>3</sup>Kathleen Teltich, "Thant Summons His Kashmir Aide," The New York Times, 25 Aug. 1965, p. 4 L.

<sup>4</sup>J. Anthony Lukas, "Pakistani Setback Reported by India," The New York Times, 30 Aug. 1965, pp. 1, 2 L.

From the beginning the United States maintained a position of neutrality and took a position that it must preserve influence with both India and Pakistan and give vigorous support to the United Nations mediation efforts.<sup>5</sup> The war caught the United States in an awkward position between the two antagonists making it difficult for Washington to deal with both countries. In the interest of containing Communism, the United States had assisted in promoting stable economies for both countries in the subcontinent. Washington had urged both India and Pakistan to resolve their differences in order that their full resources could be devoted to development. In 1954, India became outraged at the United States for launching a program of military aid to Pakistan. Washington contended that Pakistan needed arms to repel Communist aggression, but India warned the weapons would be used against her. During the Chinese Communist invasion of 1962, the United States began giving India military aid. The outcry then came from Pakistan that India would use their weapons against them. The war had proved both countries right.<sup>6</sup> Regarding Pakistan in particular, the United States, after pouring nearly \$4 billion in economic and military aid into that country, saw her rapidly shifting away from a prowestern diplomacy and called a halt to future commitments. In addition, visits to the United States by the leaders of both countries had been canceled in early summer by the President.

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<sup>5</sup>Max Frankel, "U.S. Maintains Neutrality In Conflict Over Kashmir," The New York Times, 4 Sep. 1965, pp. 1, 3 L.

<sup>6</sup>Paul Grimes, "Kashmir Crisis: How War Began," The New York Times, 12 Oct. 1965, pp. 1, 22 L.

On 4 and 6 September 1965, the United Nations Security Council voted unanimously in favor of resolutions calling for India and Pakistan to bring a halt to the Kashmir border war and withdraw all forces back to positions occupied on 5 August 1965. The Council asked the Secretary General to report on implementation within three days.<sup>7</sup> Following this action, Secretary U Thant left New York on 6 September 1965, for the subcontinent in an effort to stop the fighting.<sup>8</sup> On 7 September 1965, action was taken by the United States to halt deliveries of military supplies to India and Pakistan for the duration of the current conflict.<sup>9</sup>

Communist China made its first noticeable breach into the India-Pakistan conflict on 7 September 1965, by charging that India's military thrust into West Pakistan "constituted a grave threat to peace in this part of Asia."<sup>10</sup> On 8 September 1965, Communist China followed up with a strong protest to India against "military aggression and provocation." Peking accused India of having undertaken armed violations of the India-Chinese border during July and August in conjunction with "aggression against Pakistan in adjacent Kashmir."<sup>11</sup> United States reaction to these overtures was that Chinese Communists would continue to seek diplomatic advantage in the India-Pakistan war

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<sup>7</sup>Sam Pope Brewer, "U.N. Insists India and Pakistan End Kashmir Fighting," The New York Times, 5 Sep. 1965, pp. 1, 2 L.

<sup>8</sup>Drew Middleton, "Thant To Fly On A Peace Mission," The New York Times, 7 Sep. 1965, pp. 1, 19 L.

<sup>9</sup>Max Frankel, "U.S. Halts Its Arms Aid Programs," The New York Times, 8 Sep. 1965, pp. 1, 16 L.

<sup>10</sup>Seymour Topping, "Peking Says India Perils Asian Peace," The New York Times, 8 Sep. 1965, pp. 1, 17 L.

<sup>11</sup>Seymour Topping, "China Asserts India Violates Border," The New York Times, 8 Sep. 1965, pp. 1, 14 L.

confusion, that they would play on Indian nerves with some minor frontier activity, but they would not risk any significant involvement.<sup>12</sup> Also, on 8 September Communist China was warned by Secretary of State Dean Rusk that China was "fishing in troubled waters" and that China should stay out of the India-Pakistan war.

Soviet Russia issued a warning on 13 September 1965, directed at forestalling Communist China as a nation "whose inciting statements and policies help fan the (Indo-Pakistani) conflict."<sup>13</sup>

Prime Minister Ayub Khan made a request to President Johnson on 15 September, that the U.S. President act as a peacemaker. Ayub stated the struggle was "doing India and Pakistan no good" and declared that "the United States can play a very definite role by telling India and Pakistan she will not stand for this struggle." In response to this request, the United States reiterated its support for U.N. Secretary General U Thant's mission of peace. A release through the White House Secretary read, "The President wants to do everything and anything he can to achieve peace but he believes that route is through the U.N. That position is still the same."<sup>14</sup> Ayub was apparently seeking to cast Pakistan in a more favorable light in world opinion and offset strained relations with the United States and implications that had been drawn over its relations with Communist China.

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<sup>12</sup>Max Frankel, "U.S. Doubts Peking Will Join Fight Against India," The New York Times, 11 Sep. 1965, p. 66.

<sup>13</sup>Stephen S. Rosenfeld, "India Sees Hope of Soviet Aid If China Attacks," The Washington Post, 18 Sep. 1965, p. A 10.

<sup>14</sup>Murrey Marder, "Reaction To Ayub's Plea Stresses U.S. Faith In U.N.," The Washington Post, 16 Sep. 1965, p. A 10.

On 16 September 1965, Communist China intensified its role in the South Asian crisis by delivering an ultimatum to India to dismantle its bases along their frontier within three days or face "grave consequences." (Annex F) The Chinese note also denied Indian claims of 2 and 12 September, which rejected China's previous border accusations. It said India had tampered with maps of the region and some 90,000 square kilometers occupied by India south of the McMahon Line which were in fact Chinese territory. The note reaffirmed China's support of Pakistan in the current hostilities and reasserted China's support for self-determination by the people of Kashmir. India immediately defied Communist China and charged China was fabricating charges "to find a pretext for further aggression against India."<sup>15</sup>

Secretary General U Thant returned from his peace mission to India and Pakistan on 16 September. He had failed to obtain agreement from the two countries to heed the earlier Council appeals for a ceasefire. He proposed that the Security Council invoke the threat of U.N. economic and military reprisal against India and Pakistan if they failed to put an immediate end to their undeclared war.<sup>16</sup> In the early morning hours of 20 September 1965, the Security Council voted for a demand that India and Pakistan accept a U.N.

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<sup>15</sup>J. Anthony Lukas, "India Defies Red China," The New York Times, 18-19 Sep. 1965, pp. 1,3.

<sup>16</sup>Milton Buser, "Thant Urges Threat of U.N. Reprisal Be Used To End Indo-Pakistani War," The Washington Post, 18 Sep. 1965, pp. 1, 10 A.

ceasefire within 48 hours. Both nations accepted the U.N. demand and ordered a ceasefire on 23 September 1965.<sup>17</sup>

As a parallel to the actions taken by the U.N. during the period 20-23 September, Communist China and the Soviet Union were keying their next moves. China extended the deadline of its ultimatum to India by three days. Peking said it was offering the time extension so New Delhi could have "the opportunity" to act on previous demands. Soviet Premier Kosygin invited the Prime Ministers of India and Pakistan to meet in the Soviet Central Asian city of Tashkent to settle their differences. China's continued harassment of India was further proof of trying to humiliate India and lessen both Soviet and American influence on the subcontinent. The Soviet initiative was viewed in Washington as a Russian effort to move both against Washington and Peking. Moscow was moving to block any credit the United States may receive for having ended the Indian-Pakistani war. Against China, Moscow was moving to enhance its position in the subcontinent and its prestige within the Communist world.<sup>18</sup>

With the invoking of a ceasefire, all involved nations slackened off the pressure on their diplomatic and political maneuvering. Later Prime Ministers Ayub Khan and Bahadur Shastri accepted the Soviet invitation to negotiate their differences. Both, however, continued to

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<sup>17</sup>Louis B. Fleming, "U.N. Makes Peace In Its 'Finest Hour'," The Washington Post, 23 Sep. 1965, p. 22 A.

<sup>18</sup>Chalmers M. Roberts, "China Gives India Three More Days," The Washington Post, 20 Sep. 1965, p. 1 A.

be adamant in their positions. Shastri contended Kashmir was a legalized integral part of India and Pakistan stuck to its guns, demanding a plebiscite for the people of Kashmir.

The Prime Ministers met for negotiations at the Tashkent Conference during the first week of January 1966, utilizing the "good offices" of the Soviet Union. Soviet Premier Kosygin hosted the conference. After haggling for a week in which neither side would agree on an agenda, the conference appeared doomed to failure. Finally on 11 January 1966, the signing of a nine-point declaration by both parties brought an unexpected hopeful ending to the negotiations. (Annex G) Kosygin was primarily responsible for engineering the declaration.<sup>19</sup> The most significant aspect of the declaration was an agreement to withdraw the military forces of both armies back to positions occupied on 5 August 1965. The withdrawal is to be completed by 25 February 1966. Both sides also agreed to "reaffirm their obligation under the (United Nations) Charter not to have recourse to force and to settle their disputes through peaceful means." Lesser items contained in the declaration included: a need to set up a joint Indian-Pakistani Council to study and report on what further steps should be taken; the continuing of meetings at the highest level; restoration of diplomatic relations; repatriation of prisoners; efforts to stem mass refugee flights; and restoration of economic and trade relations. The two most important aspects were not agreed upon--

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<sup>19</sup>Washington Post Foreign Service, "Accord Binds India, Pakistan to Coexist," The Washington Post, 11 Jan. 1966, pp. 1, 10 A.

Khan's insistence of Kashmir discussions and Shastri's no war pact.<sup>20</sup>

Prime Minister Shastri died in Tashkent on 11 January 1966, a short time after signing the declaration. Thus ended the negotiations attendant to the Kashmir dispute of 1965.

### EVALUATION

Throughout the period of the Indian-Pakistani fighting, massive diplomatic pressure hinged on similar American and Soviet policies forged a ceasefire, withdrawal of military troops, and a return to the status quo in the Kashmir dispute. President Johnson's avoidance of unilateral action plus his firm stand on working through the United Nations, and Secretary of State Rusk's statement concerning Communist China's efforts to "fish in troubled waters," gave impetus to the American and Soviet pressures. Suspending of United States military aid for the duration of the conflict added further pressure.

The United Nations, under the aggressive leadership of Secretary General U Thant, stressed only two matters--to stop the fighting and a return of military forces to the ceasefire line. On 4 and 6 September 1965, by unanimous vote, the U.N. adopted two resolutions appealing for an immediate end to the conflict. India's reply was centered on a demand that Pakistan withdraw all troops and agree

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<sup>20</sup>Reuters, "Text of Statement by India, Pakistan As Carried by Tass," The Washington Post, 11 Jan. 1966, p. 11 A.

to a "no war" pact. Pakistan insisted that only a plebiscite would bring peace to both nations. Then on 20 September, after return of U Thant from the subcontinent, the Security Council voted in favor of invoking economic and military reprisals against both India and Pakistan if they did not order a ceasefire within 48 hours. Both accepted the demand and ordered a ceasefire that became effective on 23 September 1965. It was under the cover of the United Nations that the United States and the Soviet Union could have parallel positions on the Kashmir dispute.

From the beginning Communist China, in furtherance of its efforts to enhance its position on the subcontinent of Asia and to capture more prestige in the Communist world, declared its firm support of Pakistan.

The Soviet Union played a neutral role that coincided with that of the United States, though for different reasons. Soviet prestige was enhanced by its position of neutrality and the later diplomatic role of "peacemaker" at the Tashkent Conference. Soviet Premier Kosygin, particularly, was responsible for extracting a declaration from the leaders of both India and Pakistan.

Through diplomatic efforts, primarily, fighting between India and Pakistan was concluded. The Kashmir issue and its international ramifications, however, appear no nearer to solution.

## CHAPTER 6

### WORLD POWERS' INTERESTS

The world's three most powerful nations--the United States, the Soviet Union and Communist China--have direct interests in the India-Pakistan dispute over Kashmir. United States interest and action has been geared to containment and preventing a penetration of Communism into the subcontinent of South Asia. Conversely, promotion of Communist penetration--Russian or Chinese style--shapes Soviet and Communist China policies.<sup>1</sup>

#### UNITED STATES

India and Pakistan are important strategically not only as free countries along the Communist frontier and as countries holding commanding positions over one of the world's great commercial sea lanes, but each contains vast amounts of important raw materials and great untapped resources. Certainly, United States interest in India and Pakistan is not oblivious of these facts, but United States policy towards these two nations is based primarily on a desire to see each remain independent of foreign domination so they can work out the economic and political institutions which can best satisfy their own aspirations.<sup>2</sup> Since the initial rift between India and

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<sup>1</sup>Hendrick Smith, "India-Pakistan Dispute Stirs Rising Concern In Washington," The New York Times, 8 Sep. 1965, p. 4 E.

<sup>2</sup>Dept of State, "Background--The Subcontinent of South Asia, Afghanistan, Ceylon, India, Nepal, Pakistan," Dept of State Publication 7410, p. 6.

Pakistan, the United States has tried to abide by a policy of neutrality, giving its wholehearted support to efforts of the United Nations Security Council. This was particularly true in the 1965 war between the two nations.<sup>3</sup> However, it was a precarious position because of being caught in the dilemma of having provided military aid to each nation that was later used by them to make war on each other.

In 1954, the United States decided to extend military aid to Pakistan as that country became the hinge in the Communist containment policy on the subcontinent. Pakistan is the eastern-most member of CENTO and the western-most member of SEATO.<sup>4</sup> Military aid was extended to India in 1962 when the Chinese Communist invaded the Indian frontier. The United States at the time of extending military aid to both India and Pakistan, assured those countries if the aid was misused and directed against another country in aggression, the United States would undertake immediately, in accordance with constitutional authority, appropriate action both within and without the United Nations to thwart such aggression.<sup>5</sup>

Military aid to Pakistan has taken many forms--weapons, supersonic aircraft, sidewinder missiles, transportation and communications equipment, training and technical assistance. In all probability

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<sup>3</sup>Murrey Marder, "Reaction To Ayub's Plea Stresses U.S. Faith In U.N.," The Washington Post, 16 Sep. 1965, p. 10 A.

<sup>4</sup>John K. Cooley, "Kashmir Conflict Test Mid-east Ties To Red Big 2," The Christian Science Monitor, 8 Sep. 1965, p. 4.

<sup>5</sup>Department of State Bulletin, Vol. XLVII, No. 1223, 3 Dec. 1962, pp. 837-838.

this aid has amounted to \$1.5 billion. Emergency military aid to India following the Chinese attack in 1962 was valued at \$60 million, and continuing military aid since that time--mainly in the form of light weapons and communications and other equipment for Indian mountain divisions, engineering and road-building equipment and cargo aircraft--runs to about \$100 million a year.<sup>6</sup> Both India and Pakistan used weapons provided by the United States in the conflict of 1965.<sup>7</sup>

On 7 September, action was taken by the United States to halt deliveries of military supplies to India and Pakistan for the duration of the conflict.

In a consideration of the future, the United States can be expected to hold to its present policy toward India and Pakistan. However, in light of the recent conflict between these two countries and changes in the international situation, a reassessment of military policies and military aid is an absolute requirement.<sup>8</sup>

#### SOVIET UNION

As stated previously, Soviet Union interest in India and Pakistan is designed for the expansion of Communism and to the development of a greater influence in the subcontinent than either the United States or Communist China.

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<sup>6</sup>Norman D. Palmer, "India and Pakistan: The Major Recipients," Current History Magazine, Nov. 1965, p. 263.

<sup>7</sup>Max Frankel, "U.S. Halts Its Arms Aid Programs," The New York Times, 8 Sep. 1965, pp. 1, 16 L.

<sup>8</sup>Palmer, op. cit., p. 270.

Beginning with the initial conflict over Kashmir, the Soviet Union had supported India consistently. Soviet economic and military aid to India has been slightly less than one-fourth the American figure, but it has been extended since 1955.<sup>9</sup> Emphasis is placed on impact projects, such as the huge Bhilai steel plant, a giant heavy machinery factory, and factories to manufacture MIG-21 jet fighters.<sup>10</sup>

With the eruption of Chinese Communist influence over the past decade, particularly in its border areas, coupled with India and Pakistan's disenchantment with the United States over military aid policies, Soviet diplomatic moves in the subcontinent took on a new dimension. The Soviets, to counter Chinese Communist influence with Pakistan and take advantage of the American military aid dilemma, seized the opportunity to gain favor with Pakistan. In July 1965, when the United States postponed a Consortium meeting on Pakistan aid, the Soviets sent a delegation to Pakistan and offered Soviet economic aid. Pakistan accepted.<sup>11</sup>

The recent Kashmir conflict afforded the Soviet Union the opportunity to further ingratiate herself with both India and Pakistan. By playing a neutral role on the Kashmir issue, denunciation of Communist China, and voting for the United Nations demand

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<sup>9</sup>Ibid., pp. 265-266.

<sup>10</sup>Sharakh Sabavala, "Moscow's India Tactics," The Christian Science Monitor, 24 Aug. 1965, p. 1.

<sup>11</sup>Sharakh Sabavala, "Reds Grasp Aid Role In Asia," The Christian Science Monitor, 6 Aug. 1965, p. 1.

for a ceasefire, the Soviets laid the groundwork as mediators of the conflict. These actions were especially important to the Soviet Union not only in the South Asia subcontinent, but in the Communist world struggle with Communist China.<sup>12</sup>

### COMMUNIST CHINA

China's interest in the Kashmir dispute is many fold-- acquisition of Indian frontier border areas, domination of Pakistan as an instrument for flanking Russia and India, acquisition of Pakistan territory that could lead to much needed Middle East oil, and an enhancement of its position in the Communist world.<sup>13</sup>

In supporting Pakistan, by threatening India in the Sikkim border area, China fulfilled its constant role of keeping conflagration stirred-up. Most writers contend that China overplayed its role, however, and caused India and Pakistan to realize the escalating effect China's military intervention could cause. More importantly, the two great nuclear powers, the United States and the Soviet Union, issued warnings to China to stay out of India. When Pakistan realized she was being actively supported only by China, there was no recourse but to agree to a ceasefire. Consequently, China was forced to backdown on its ultimatum to India.<sup>14</sup>

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<sup>12</sup>Theodore Shabad, "Moscow Rebukes Peking On Troops," The New York Times, 24 Sep. 1965, pp. 1, 2.

<sup>13</sup>Stephen S. Rosenfeld, "India Sees Hope of Soviet Aid If China Attacks," The Washington Post, 18 Sep. 1965, p. 10 A.

<sup>14</sup>Rowland Evans and Robert Novak, "A Warning to China," The Washington Post, 16 Sep. 1965, p. 21 A.

China remains in a position to exploit the unsettled Kashmir dispute and can always find a pretext for denouncing Indian aggression.<sup>15</sup>

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<sup>15</sup>Editorial, "Breather on the Border," The Washington Post, 20 Sep. 1965, p. 12 A.

## CHAPTER 7

### SOLUTIONS FOR KASHMIR

#### PROPOSALS

The diplomatic balance of power of the entire Indo-Pakistani subcontinent has been tilted for 18 years due to the Kashmir dispute. It is in India's interest--as well as that of the United States and the rest of the free world--not to drive Pakistan into deeper or more irrational frustrations. Above all, nothing should be done, including maintaining the status quo, to drive Pakistan irretrievably into the arms of Communist China. All writers and parties concerned agree that a lasting solution to the Kashmir dispute is the key to stability. Countless proposals have been made and rejected. The most significant among these are as follows:

- a. Self-determination as initially proposed at the time of partition by Indian officials, Pakistan and adopted by the United Nations.<sup>1</sup>
- b. Constituting Kashmir as an Independent State.<sup>2</sup>
- c. Sir Owen Dixon's proposal of partitioning the Vale of Kashmir while retaining the separation of Kashmir along the ceasefire line.<sup>3</sup>

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<sup>1</sup>Aziz Beg, Captive Kashmir, p. 11.

<sup>2</sup>The Publications Divisions, Ministry of Information and Broadcasting, Government of India, The Kashmir Issue, pp. 2, 3.

<sup>3</sup>United Nations, Department of Public Information, Research Section, The India-Pakistan Question--Background Paper No. 72, 31 Dec. 1962, p. 21.

d. Redefine the ceasefire line to grant Pakistan a part of the Vale of Kashmir.<sup>4</sup>

e. Autonomy for Kashmir under joint Indian-Pakistani protection.<sup>5</sup>

f. Making Kashmir a condominium between India and Pakistan.<sup>6</sup>

g. A confederation of India and Pakistan with Kashmir ceded to Pakistan.<sup>7</sup>

h. Partition of Kashmir and internationalization of the Vale of Kashmir for a specified time period followed by self-determination.<sup>8</sup>

i. Partition Kashmir whereby the Hindu Jammu Province would go to India and the predominately Muslim area north of Banihal Pass to Pakistan.<sup>9</sup>

j. An Independent Kashmir under United Nations trusteeship.

#### EVALUATION

Since partition in 1947, the positions of India and Pakistan concerning Kashmir have been clear. Each nation lays claim to its'

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<sup>4</sup>Selig S. Harrison, "Kashmir Conference Hopes Growing Faint," The Washington Post, 23 Apr. 1963, p. 12 A.

<sup>5</sup>Editorial, The New York Times, 24 Sep. 1965, p. 12.

<sup>6</sup>Ibid., p. 12.

<sup>7</sup>Ibid.

<sup>8</sup>Warren Unna, "India Withdraws Offer On Kashmir," The New York Times, 14 Aug. 1963, p. 3.

<sup>9</sup>Magazine Article, "Ceasefire and Backdown," Newsweek, 4 Oct. 1965, p. 42.

right to the state: Pakistan for religious, social, economic and defensive reasons; India for defensive and prestige reasons. Pakistan believes that an overall plebiscite, conducted under United Nations auspices would result in a decision in its favor. It vigorously opposes any attack of the legality of its own presence in Azad Kashmir, and countercharges with questioning the legality of the 1947 accession to India. Pakistan is vehement in its contention that accession by India was "fraudulent."

India, on the other hand, contends that Pakistan supported the raiders of 1947 and is in Kashmir illegally. India has seemed resolved not to permit a plebiscite and has utilized time, taking legislative action, to strengthen its justification that Kashmir is an integral part of the Indian Union.

An independent Kashmir catches the eye immediately and gives the appearance of a palatable solution. Indications are, however, that both India and Pakistan can never lay aside their commitments to absorb Kashmir. Further, Kashmir is not economically viable, but more important would be its impotence in withstanding any challenge from Communist China. Without even a more searching examination, independence as a solution does not seem to be realistic.

Each nation has pursued a policy in its own interest and had less than a perfect case. Negotiations at the recent Tashkent Conference, whereby India would not discuss an actual settlement of Kashmir and Pakistan would not agree to a "no war" pact with India, demonstrates clearly the difficulties to achieve fruitful

negotiations and resultant stability. But the real hub of the problem continues to be the possession of the Vale of Kashmir.

The whole Kashmir issue concerns both nations jointly as a common defense problem. China has evidenced designs on India's Himalayan border since 1956, and in 1962 drove the Indians back in the North Eastern Frontier Region. Pakistan ceded more territory in the Ladakh area to China in 1962. With this common threat it should be evident to both countries that a condominium or a confederation is the ultimate and most practical of solutions. The most logical agreement appears to be one whereby certain areas would be assigned to India and Pakistan on the basis of known preference with the Vale of Kashmir administered jointly, under United Nations trusteeship or declared an international zone.

## CHAPTER 8

### CONCLUSIONS AND RECOMMENDATIONS

#### CONCLUSIONS

After evaluating all facets of the Kashmir dispute, conclusions are as follows:

- a. The basic issue is that each nation, India and Pakistan, claims that the entire State of Kashmir is rightfully her's--India on legal grounds of accession and Pakistan on moral grounds.
- b. There has been no appreciable change in positions for a period of 18 years.
- c. Each nation has been less than sincere--Pakistan has been responsible for invasions of Kashmir in 1947 and 1965, and India has failed to honor a promised plebiscite.
- d. Settlement on the possession of the Vale of Kashmir is the key to resolving the basic issue.
- e. The United Nations was effective in arranging for a ceasefire in 1949 and demanding a ceasefire in 1965.
- f. The United Nations failed to address the questions of "rightful ownership" of Kashmir and findings on charges lodged by both India and Pakistan.
- g. India has taken legal actions to make Kashmir an integral part of India despite United Nations' proposals to the contrary.
- h. Pakistan has taken action to incorporate Azad Kashmir.

i. Pakistan planned, supplied and executed the invasion of Kashmir in August 1965.

j. The 1965 War between India and Pakistan was indecisive-- both countries proved their inability to fight a sustained war because of economic and military limitations.

k. The United States has furnished military aid to India and Pakistan that each used against the other.

l. The United States suspended military aid to both India and Pakistan on 8 September 1965.

m. The United States has maintained a position of neutrality in the Kashmir dispute and a strong position that settlement should be vested in the United Nations.

n. The Soviet Union shifted from a position of supporting India to a position of neutrality during the 1965 War between India and Pakistan.

o. Communist China has supported Pakistan continuously in the Kashmir dispute.

p. Pakistan regards India as its major enemy.

q. India regards Communist China as its major threat.

r. The Soviet Union gained world prestige, particularly on the Indo-Pakistan subcontinent, in its handling of the Tashkent Conference.

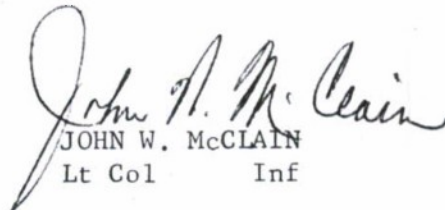
s. Pakistan refuses to enter into a "no war" pact with India thereby retaining its threat of war as leverage to force a settlement of the Kashmir dispute.

t. United States' diplomatic efforts to bring about a settlement of the Kashmir dispute has been ineffective.

#### RECOMMENDATIONS

In a consideration of our vital interests in the Indo-Pakistan subcontinent, it is recommended that the United States:

- a. Adopt the philosophy that the Kashmir dispute must be settled before there can be stability on the Indo-Pakistan subcontinent.
- b. Initiate a new concerted program of diplomatic action, economic and military aid, and United Nations actions to achieve a settlement of the Kashmir dispute.
- c. Continue a policy of neutrality in the Kashmir dispute.
- d. Continue to openly support the United Nations as the agency best designed for and capable of negotiating the Kashmir dispute.
- e. Not become involved as a mediator of the dispute unless it is to United States political advantage, and then only at the specific request of both countries concerned.

  
JOHN W. McCLAIN  
Lt Col      Inf

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## ANNEX A



## ANNEX B

### RESOLUTION OF THE COUNCIL OF JANUARY 20, 1948

(Setting forth terms of reference of the Commission)

#### The Security Council

Considering that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency;

#### Adopts the following resolution

A. A Commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

Each representative on the Commission shall be entitled to select his alternates and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

C. The Commission is invested with a dual function:

(1) To investigate the facts pursuant to Article 34 of the Charter;

(2) To exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council have been carried out.

D. The Commission shall perform the functions described in Clause C:

(1) In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs in Pakistan addressed to the Secretary-General, dated 15 January 1948; and

(2) In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 16 January 1948; when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realization of its mission and the reaching of its conclusions.

F. The Commission, its members, alternate members, their assistants and its personnel, shall be entitled to journey, separately or together, wherever the necessities of their tasks may require, and, in particular, within those territories which are the theater of the events of which the Security Council is seized.

G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary.

ANNEX C

RESOLUTION OF THE COUNCIL OF APRIL 21, 1948

(Additional terms of reference of Commission and terms of Plebiscite)

The Security Council

Having Considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan;

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting;

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite;

Considering that the continuation of the dispute is likely to endanger international peace and security,

Reaffirms the Council's resolution of 17 January;

Resolves that the membership of the Commission established by the resolution of the Council of 20 January 1948 shall be increased to five and shall include, in addition to the membership mentioned in that resolution, representatives of \_\_\_\_\_ and \_\_\_\_\_, <sup>1/</sup>

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<sup>1/</sup> To be decided later.

and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the Indian sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution, and to this end;

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

A. Restoration of Peace and Order

1. The Government of Pakistan should undertake to use its best endeavours:

(a) To secure the withdrawal from the State of Jammu and Kashmir of Tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements

and any furnishing of material aid to those fighting in the State.

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution of 20 January that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange for consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State.

(ii) That as small a number as possible should be retained in forward areas,

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that, until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in Paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2 (a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in Paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. Plebiscite

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and

fully in the conduct of the administration at the Ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite, including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified

persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistant and subordinates.

(e) The Administrator should have the right to communicate direct with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State release all political prisoners and take all possible steps so that:

(a) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

(b) There is no victimization;

(c) Minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should, at the end of the plebiscite, certify to the Council whether the plebiscite has or has not been really free and impartial.

C. General Provisions

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require for any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

## ANNEX D

### RESOLUTION OF THE COMMISSION OF AUGUST 13, 1948

#### The United Nations Commission for India and Pakistan

Having given careful consideration to the points of view expressed by the Representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

#### PART I

##### Cease-fire order

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State

of Jammu and Kashmir. (For the purpose of these proposals "forces under their control" shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission and with the co-operation of both Commands will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favorable to the promotion of further negotiations.

## PART II

### Truce Agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A. (1) As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material

change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavor to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B. (1) When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II, A 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire those forces of its Army which in agreement with the Commission are considered necessary to assist local

authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C. (1) Upon signature, the full text of the Truce Agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

### PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

VII. RESOLUTION ADOPTED AT THE MEETING OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 5 JANUARY 1949.  
THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN.

Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively

their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed.

3. (a) The Secretary General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.

4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State,

the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A.2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

# ANNEX E



The Washington Post

Oct. 17, 1965

**KASHMIR BATTLE MAP:** (1) is India's (shaded arrows) August riposte to Pakistan's infiltration of the Vale of Kashmir. (2) is Pakistan's (open arrow) counterthrust at Chhamb Sept. 1 against stiff resistance. (3) is India's three-pronged drive Sept. 6 toward and around Lahore, which touched off "the only real engagement of the undeclared war." (4) is the two-pronged Indian attack toward Sialkot Sept. 7-8, which is considered the second phase of the Lahore battle.

# ANNEX F



The Washington Post

Sept. 19, 1965

Chinese forces were reported moving toward the Indian border at the Tibet "dagger" between Sikkim and Bhutan (1) and in the Demchok area near the Ladakh portion of Kashmir (2). One report said they actually crossed the border and then

withdrew. India was thus faced with a two-front threat while fighting Pakistan in the west. Both sides claimed small gains in the Sialkot and Lahore areas (3), but an Indian spokesman said a lull had settled over the fighting there.

# Text of Communist China's Warning Note to India

Text of Chinese Note dated Sept. 16, 1965, handed to the Charge d'Affaires of India in Keking and released by the Indian Embassy in Washington:

**1** In its notes the Indian government continues to resort to its usual subterfuges in an attempt to deny the intruding activities of Indian troops along the Sino-Indian boundary and the China-Sikkim boundary. This attempt cannot possibly succeed.

Since cease-fire and troop withdrawal were effected along the Sino-Indian border by China on her own initiative in 1962, Indian troops have never stopped their provocations and there have been more than 300 intrusions into China either by ground or by air. The Chinese Government has repeatedly lodged protests with the Indian Government and served warnings to it and has successively notified some friendly countries.

The facts are there and they cannot be denied by the Indian Government by more quibbling. Moreover, the Chinese Government has four times proposed (the latest occasion in June 1965) Sino-Indian joint investigation into India's illegal construction of military works for aggression on the Chinese side of the China-Sikkim boundary, but has each time been refused by the Indian Government. Now the Indian Government pretentiously says that the matter can be settled if only an independent and neutral observer should go to the border to see for himself.

It further shamelessly as-

serts that Indian troops have never crossed the Sikkim-China boundary which has been formally delimited and that India has not built any military works either on the Chinese side of the border or on the border itself. This is a bare-faced lie. How can it hope to deceive anyone?

**2** It must be pointed out that in each of its notes the Indian Government has blatantly claimed parts of Sinkiang and Tibet on the Chinese side of the Western sector of the Sino-Indian boundary to be Indian territory, illegally occupied by China; but in fact these areas have never belonged to India and even had never been marked as within Indian territory before India tampered with the maps.

On the other hand, it should be pointed out that 80,000 square kilometers of Chinese territory south of the illegal McMahon Line in the Eastern sector of the Sino-Indian border have all along been illegally occupied by India, that eight areas in the middle sector and Parigaz in the western

sector of the Sino-Indian border are also illegally occupied by India and that such illegal occupation has never been recognized by the Chinese Government. The Chinese Government forever retains the right to settle these questions.

**3** Supported by the U.S. imperialists and their partners, the Indian Government has always pursued a policy of chauvinism and expansionism towards its neighboring countries. Its logic for aggression is that all places it has seized belong to it and that whatever place it wants to grab, but has not yet done so, belongs to it, too. It was this logic that motivated the large-scale armed attack the Indian Government launched against China in 1962, and it is the same logic that motivates the massive armed attacks it now is launching against Pakistan.

The Chinese Government has consistently held that the Kashmir question should be settled on the basis of respect for the Kashmiri people's right of self-determination as pledged to them by India and Pakistan.

This is what is meant by China's non-involvement in the dispute between India and Pakistan. But non-involvement absolutely does not mean failure to distinguish between right and wrong. It absolutely does not mean that China can approve of depriving the Kashmiri people of their right of self-determination or that she can approve of Indian aggression against Pakistan on the pretext of the Kashmir issue. Such was China's stand in the past and it remains so at present. Yet some countries have acknowledged Kashmir as belonging to India. In that case, how can one speak of their non-involvement in the dispute?

The question now is that India has not only refused to recognize the right of the Kashmiri people to self-determination, but openly launched an all-out armed attack against Pakistan. This cannot but arouse the grave concern of the Chinese Government.

Reason and justice must prevail in the world. So long as the Indian Government oppresses the Kashmiri people, China will not cease supporting the Kashmiri

people in their struggle for self-determination; so long as the Indian Government persists in its unbridled aggression against Pakistan, China will not cease supporting Pakistan in her just struggle against aggression. This stand of ours will never change, however many helpers you may have such as the United States, the modern revisionists and the U.S.-controlled United Nations.

**4** As is known to everybody, the Indian Government has long been using the territory of Sikkim to carry out aggressive activities against China. Since September 1962, not to mention earlier times, Indian troops have crossed the China-Sikkim boundary which was delimited long ago and have built a large number of military works for aggression either on the Chinese side of the China-Sikkim boundary or on the boundary itself.

There are now 55 such military works, large and small, which they have built in the past few years all over the important passes along the China-Sikkim boundary, thus wantonly en-

croaching upon China's territory and violating her sovereignty. In these years, the Chinese Government has made 13 representations to the Indian Government, but the Indian Government has all along turned a deaf ear to them and does not have the slightest respect for China's sovereignty and territorial integrity.

Far from stopping its acts of aggression, the Indian Government has intensified them by ordering its troops to intrude into Chinese territory for reconnaissance and provocations. The intruding Indian troops even penetrated deep into Chinese territory, made unbridled harassing raids, kidnapped Chinese border inhabitants and seized their livestock. Is there any international boundary or any principle guiding international relations in the eyes of the Indian Government? This is indeed preposterous and going too far in bullying others.

The Chinese Government now demands that the Indian Government dismantle all its military works for aggression on the Chinese side of the China-Sikkim boundary or on the boundary itself within three days of the delivery of the present note and immediately stop all its intrusions along the Sino-Indian boundary and the China-Sikkim boundary, return the kidnapped Chinese border inhabitants and the seized livestock and pledge to refrain from any more harassing raids across the boundary. Otherwise, the Indian Government must bear full responsibility for all the grave consequences arising therefrom.

## Text of Statement By India, Pakistan As Carried by Tass

Reuters

**TASHKENT, U.S.S.R., Jan. 10**—Following is the text of the Indo-Pakistani declaration, as distributed by Tass:

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good-neighborly relations between India and Pakistan in accordance with the United Nations charter.

They reaffirm their obligation under the charter not to have recourse to force

High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both governments shall observe the Vienna convention of 1961 on diplomatic intercourse.

### Prisoner Repatriation

The Prime Minister of India and the President of Pakistan have agreed to consider measures toward the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of prisoners of war.

The Prime Minister of India and the President of Pakistan have agreed that the sides will continue the